

DECEMBER 17, 2012

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Chairman John Barton at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this regular meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Star Gazette;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Barton, Mayor Tomaszewski, Watters, Hazen, Creedon, Vaezi, Mills, Spender, Farino.

Absent: Hight.

Also present: Drew DiSessa, PE; William Edleston, Esq.

Regarding the minutes of the November 19, 2012, DiSessa amended the next to last paragraph on page one by replacing the word **me**, with **he**. DiSessa amended the last sentence in the second paragraph on page two to read "Nicholas agreed to the **six** (6) month extension of time of action to the **May 20, 2013** meeting of the board, . . ." DiSessa also amended the MOTION on the same page by changing the date from April 15, 2013 to read **May 20, 2013**. Lastly, DiSessa amended the name *Mayman* on page six to read **Maxman** (in all cases).

MOTION was made by **HAZEN** to approve the minutes of the November 19, 2012 meeting, as amended.

SECONDED: VAEZI.

Those in favor: Watters, Hazen, Creedon, Vaezi, Mills, Farino, Barton.

Opposed: None.

Abstained: Mayor Tomaszewski, Spender.

Regarding the resolution for Case #12-06, Bank of America, Edleston related several amendments suggested by the applicant's attorney. DiSessa also suggested a couple of amendments.

MOTION was made by **BARTON** to approve the resolution for Case #12-06, Bank of America, as amended by DiSessa and the applicant's attorney.

SECONDED: CREEDON.

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Those in favor: Watters, Hazen, Creedon, Vaezi, Mills, Farino, Barton.

Opposed: None.

Abstained: None.

Regarding the resolution for Case #12-03, Craig & Carolyn Nicholas t/a Highlands Auto Exchange, Creedon asked if the escrow was up to date. DiSessa replied the last escrow report indicated the account was up to date. Creedon clarified the number of cars currently allowed is ten, and Edleston stated that was correct.

Barton asked the status of the Ordinance amendment regarding violation penalties, and Mayor Tomaszewski replied it had first reading. Edleston stated the applicant could be cited for non-compliance once the Ordinance is adopted putting him on notice that he is being watched.

DiSessa stated the resolution doesn't indicate that he was to remain within the current ten car limit. Edleston indicated if the resolution holds him to the current restrictions it might prod him to proceed in a timely fashion.

MOTION was made by **CREEDON** to approve the resolution for Case #12-03, Craig & Carolyn Nicholas t/a Highlands Auto Exchange being amended to read the applicant being restricted to ten (10) cars, and correcting the date for reappearance to May 20, 2013.

SECONDED: MILLS.

Those in favor: Hazen, Creedon, Vaezi, Mills, Farino, Watters, Barton.

Opposed: None.

Abstained: None.

Case #12-07, The Meadows at Mansfield, LLC (Ray Rice)

Edleston indicated the court case was carried to January 15, 2013. Edleston stated the case remained incomplete for lack of fees being paid, and should be removed from the agenda until further notice.

Case #12-08, Catherine M. Lake

Present for the applicant: Catherine M. Lake, Bruce Gardner

Edleston stated the application is for a home occupation business, but it appears not to be the home of Catherine Lake. Edleston asked if Lake actually occupies the building where the business will be held. Lake indicated she is a resident of the home.

Lake and Gardner were sworn in by Edleston.

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Lake indicated the principal use would remain residential use with approximately 230 square feet dedicated to a massage therapy office. Lake explained the massage therapy was usually indicative of specific medical problems such as shoulder injury, sciatic issues, etc. Lake explained she started practicing in 1995 in a spa setting, branched into homes and corporations, and will now practice by appointment only. Lake stated there is no equipment other than table, chair, and oils. The hours of operation are expected to be 9:00 AM to 7:00 PM Monday through Friday, and shorter hours on Saturday. There is one parking space allotted to the business, and ample space to turn around in order to pull out onto the street. The appointment times will typically run one hour, with chair appointments less. Lake indicated she would comply with the 2' X 2' signage requirement.

DiSessa explained the home occupation Ordinance required one acre, and the subject lot is less than one acre.

Creedon asked if the proposed business would be a year-round business, and Lake replied that it would. Creedon indicated he was concerned with parking being available in the winter. DiSessa stated there is sufficient parking behind the home. Lake indicated Mrs. Gardner gave consent to use the shared driveway.

Creedon asked if there was a bathroom available for use by the clients. Lake explained the square footage being allotted to the business has a separate entrance and a bathroom.

The Chairman opened the discussion for public comment and question. The discussion was closed to the public without comment or questions.

MOTION was made by **HAZEN** to approve the conditional use application for Case #12-08, Catherine M. Lake to allow a massage therapy, home occupation use, subject to the above testimony.

SECONDED: WATTERS.

Those in favor: Creedon, Vaezi, Mills, Spender, Farino, Mayor Tomaszewski, Watters, Hazen, Barton.

Opposed: None.

Abstained: None.

Lake requested the use of the business prior to the adoption of the resolution at the next meeting.

MOTION was made by **BARTON** to authorize DiSessa to issue a zoning permit allowing the immediate start of the massage therapy business as described above.

SECONDED: MAYOR TOMASZEWSKI.

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Those in favor: Vaezi, Mills, Spender, Farino, Mayor Tomaszewski, Watters, Hazen, Creedon, Barton.

Opposed: None.

Abstained: None.

Under old business, Brenda Sams asked questions regarding the Yusen Logistics operation, and their compliance with cleaning up their operation. Edleston explained they appeared at the November meeting, and indicated they had satisfactorily dealt with the maintenance issues. Sams stated, according to the November minutes, Yusen Logistics indicated everything was resolved, but that is incorrect. Sams stated there is a mud/dust issue, and now the rear area of the plant is torn up mud and grass. Sams stated some quarry process was put down, but there are still issues. Sams asked if there were any code violations. DiSessa stated he has only the site plan to refer to, and stated there could possibly be a property maintenance issue. DiSessa stated they haven't done any of the improvements to the property as yet.

Sams stated another concern is the lack of properly lighted signage. Terry Sams stated the stop sign located on the property has been upside down for approximately two months. T. Sams explained the Lenox operation currently on the property, and related there is now storage on the parking lot. T. Sams stated the entrance is not wide enough, and the holding area and drivers entrance is not big enough.

Edleston stated the board could contact them to request they reappear. Farino stated they should come back, because they misled the board.

T. Sams stated he would like to see them operate successfully, but they need a bigger parking lot and bathroom facilities for the drivers.

Farino stated there should be a separate driveway constructed for the rear residential use. T. Sams stated that probably wouldn't be possible, and it would be costly.

DiSessa stated he was the one to have them put down the quarry process, but anything further would have to be researched through the prior resolutions. DiSessa stated it is obvious they are not following the approved site plan, and they need to come in and explain.

T. Sams asked if Soils Conservation should be notified since they are dragging mud and soil around all the time.

Vaezi stated, he was of the opinion that DiSessa is on the right path, and the applicant has exceeded their site plan approval. Vaezi stated they misrepresented themselves at their last appearance, and they should come back before the board.

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T. Sams stated he would like to see them succeed, but in the right manner.

MOTION was made by **BARTON** to authorize Edleston to write a letter to Yusen Logistics requesting their reappearance before the board, at the January meeting if possible.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Mills, Spender, Farino, Mayor Tomaszewski, Watters, Hazen, Creedon, Vaezi, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **CREEDON** to authorize the Township Committee to pay the invoices submitted by the professionals.

SECONDED: HAZEN.

Those in favor: Spender, Farino, Mayor Tomaszewski, Watters, Hazen, Creedon, Vaezi, Mills, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **BARTON** to adjourn the meeting at 8:54 PM.

SECONDED: CREEDON.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Secretary
(As Amended)